

AN ACT relating to donated clothing, household items, or other items.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

➔Section 1. KRS 367.668 is amended to read as follows:

- (1) Prior to orally requesting a contribution or when requesting a contribution in writing, a professional solicitor shall clearly disclose:
  - (a) The professional solicitor's name, as set out in the registration statement filed with the Attorney General pursuant to KRS 367.652, phone number or e-mail address, and the fact that the professional solicitor is being paid for providing services;
  - (b) The name of the charitable organization the professional solicitor represents and a description of how the contributions raised by the solicitation will be used for a charitable or civic purpose; and
  - (c) If the professional solicitor places or maintains a receptacle in public view for the purpose of collecting contributions in the form of clothing, household items, and other items, the receptacle shall contain a sign or label that:
    1. Includes the information contained in paragraphs (a) and (b) of this subsection;
    2. Includes a statement that reads as follows: "Items donated here support, in part, a for-profit professional solicitor.";
    3. Is in lettering not less than two (2)~~three (3)~~ inches in height and one-half (1/2) inch in width; and
    4. Is placed immediately below the opening in the receptacle used to deposit donations.
- (2) Any individual who acts on behalf of the professional solicitor and identifies himself by name shall give his legal name.
- (3) Any responses given by or on behalf of a professional solicitor to an oral or written request for information shall be truthful.

- (4) The written confirmation, receipt, or reminder sent to a contributor or one who has pledged to contribute, following an oral solicitation, shall clearly include the information required by subsections (1) and (2) of this section.
- (5) If the person being solicited requests information regarding the amount or percentage of funds going to the charitable organization or for a charitable or civic purpose, the professional solicitor shall inform the person solicited of the percentage of the gross revenue or the reasonable estimate of the gross revenue that the charitable organization will receive from the solicitation campaign. The Attorney General shall promulgate administrative regulations necessary to effectuate this disclosure.

➔SECTION 2. A NEW SECTION OF KRS 367.650 TO 367.670 IS CREATED TO READ AS FOLLOWS:

(1) If any person places or maintains a receptacle in public view or establishes or maintains some form of drop-off site for collecting donations of clothing or any other items that do not qualify as a charitable contribution as defined by Section 170(c) of the Internal Revenue Code, the receptacle or drop-off site shall contain a permanently attached sign or label that includes, in lettering not less than two (2) inches in height and one-half (1/2) inch in width:

(a) The name, address, telephone number, and e-mail address of the person who places or maintains the receptacle or establishes or maintains the drop-off site; and

(b) A statement that reads as follows: "Donations do not qualify as a charitable contribution for federal tax purposes."

(2) The sign or label shall be placed immediately below the opening in the receptacle or shall be prominently displayed at the drop-off site.

➔Section 3. KRS 367.665 is amended to read as follows:

- (1) All of the remedies, powers, and duties provided for the Attorney General by KRS

367.190 to 367.300 appertaining to acts declared unlawful by KRS 367.170 shall apply with equal force and effect to acts declared unlawful by KRS 367.650 to 367.670.

- (2) Nothing in KRS 367.650 to 367.670 shall be construed to limit or restrict the powers, duties, remedies, or penalties available to the Attorney General, the Commonwealth, or any private person under any other provision of statutory or common law.

- (3) The county attorney shall have concurrent jurisdiction with the Attorney General in relation to acts declared unlawful by KRS 367.650 to 367.670 and shall have powers granted the Attorney General under subsection (1) of this section and KRS 367.990(1) and (2) if he or she assumes jurisdiction. Actions brought under KRS 367.190 by the county attorney shall be in the name of the county and any penalties imposed, including but not limited to penalties imposed by KRS 367.990(1) and (2), shall be paid to the county.**